

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

DENNIS VAN JENKINS

PETITIONER

v.

NO. 5:05CV00145 GH/HDY

LARRY NORRIS, Director,
Arkansas Department of
Correction

RESPONDENT

ORDER

The proceeding at bar was commenced on May 16, 2005, when counsel filed a petition for writ of habeas corpus pursuant to 28 U.S.C. 2254 on behalf of petitioner Dennis Van Jenkins ("Jenkins"). The five dollar filing fee was paid, but no summons was issued. On May 27, 2005, the Court ordered counsel for Jenkins to serve a copy of the petition and the May 27, 2005, order on respondent Larry Norris ("Norris"). In the same order, Norris was ordered to answer the petition within twenty days after service of the petition and order. Approximately seventy-five days have now passed since the entry of the May 27, 2005, order, and the record contains nothing to reflect that counsel for Jenkins has served Norris with a copy of the petition and the May 27, 2005, order. The record contains no return of service, no affidavit of service, no answer from Norris, or anything to indicate that counsel for Jenkins ever served Norris as directed.

Given the foregoing, counsel for Jenkins is again ordered to serve Norris with a copy of the petition (if not already served) and this order. Counsel shall do so by the close of business on September 10, 2005, and shall make that fact known to the Court by way of an affidavit of service. Norris shall answer the petition within twenty days after service of the petition and this order. In the event counsel for Jenkins fails to serve Norris by the close of business on September 10, 2005, the Court will consider dismissing Jenkins' petition.

IT IS SO ORDERED this 11 day of August, 2005.

A handwritten signature in black ink, appearing to read "H. Daniel Young". The signature is written in a cursive, flowing style.

UNITED STATES MAGISTRATE JUDGE